

United States Senate

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DEPARTMENT OF STATE A/CDO/MR

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October 28, 1977

Honorable Griffin B. Bell
Attorney General of the United States
Department of Justice
Washington, D.C.

Dear Mr. Attorney General:

In light of the numerical and substantive constraints in present immigration law regarding the issuance of immigrant visas and conditional entries to certain special migrants and refugees, I have long supported the exercise of the Attorney General's parole authority (under Section 212(d)(5) of the Immigration and Nationality Act, as amended) to help meet our international responsibilities toward the homeless and certain other migrants seeking to build new lives in our society. For more than two decades, the exercise of the parole authority, for humanitarian and "emergent" reasons consistent with our national traditions and interests, has provided the needed flexibility for our country to join with others in responding to humanitarian emergencies and to the resettlement appeals of the United Nations High Commissioner for Refugees (UNHCR) and other international organizations. I strongly feel its continued use is a logical extension of the immigration law's basic provisions governing the admission of immigrants and refugees.

With this in mind, I would like to address a number of migration problems currently under discussion within the Administration and the appropriate committees of Congress, as well as among the various voluntary agencies involved in the resettlement of migrants and refugees. At least two of these problems involve our national policy to encourage the freer movement of people for migration purposes and our national commitment to carry out in every reasonable way the spirit and letter of the relevant agreements resulting from the 1975 Helsinki Conference on Security and Cooperation in Europe.

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Of immediate urgency is the need to implement the parole authority in behalf of Soviet and other nationals, who are being processed for movement to the United States and who normally transit in Rome. The number of these special migrants and refugees, a growing number of whom join relatives and friends in the United States, is once again exceeding the number of immigrant visas and conditional entries annually available to such people under Section 203(a) of the Immigration and Nationality Act, as amended. And expert observers suggest this situation will continue for sometime into the future. Given such projections and the demonstrated need in recent years to maintain some flexibility in meeting our humanitarian responsibilities toward the families who transit in Rome, I would like to recommend that the parole authority be exercised on a standby basis over the coming months and without a specified ceiling on the number of entries into the United States. Such a program, carried out in consultation with Congress, is consistent with past practices involving other groups of special migrants and refugees.

In this connection, very serious consideration should also be given to exercising the parole authority in behalf of certain family reunion and special humanitarian cases among individuals and families in Romania and, perhaps, other countries, who are being granted permission to emigrate, but do not readily qualify for regular immigrant visas under the immediate relative or relative preference categories of the Immigration and Nationality Act, as amended. The number of such cases is relatively small, and we should do what we can to facilitate their direct movement to sponsoring relatives or voluntary agencies in the United States. To exercise the parole authority in behalf of such cases would not only be a meaningful implementation of our national commitment to freedom of movement and human rights, but, more importantly, it would also help to avoid some undue personal hardship among individuals and families involved.

The festering refugee and related humanitarian problems in Argentina, Chile, and other countries of Latin America are another area of concern to many Americans. Among these

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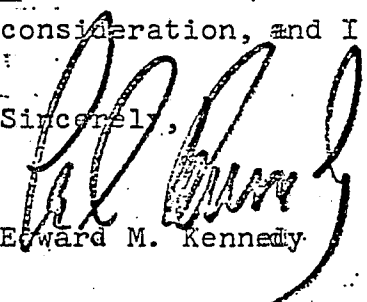
problems are the continuing resettlement needs among thousands of political detainees and refugees. The existing parole program to help a reasonable number of these people in Argentina and Chile has been serving its purpose well, and a pending proposal to expand this program to cover humanitarian problems in all of Latin America should be expeditiously approved and implemented. The Administration deserves every support in its efforts to promote human rights in the Western Hemisphere and to join with other countries in helping the UNHCR and other international organizations provide adequate care and protection and resettlement opportunities to those in need.

Finally, we must also be mindful of the continuing problem of displaced persons from the Indochina Peninsula in Thailand and other countries of Asia, especially those with close family members in the United States and the "boat cases" from Vietnam. The current parole program in behalf of these displaced persons, and the similar programs of other governments, are helping many families. But there is little doubt that additional efforts will be needed by the international community in the time ahead.

Over many years, the American people have responded generously and compassionately to the needs of special migrants and refugees, and I share the view of many that a national policy of welcome serves our country and its traditions well. Hopefully, we will continue this policy, especially for migrants and refugees joining family members in this country. And pending the enactment of some basic immigration reforms to help meet our humanitarian responsibilities in a more orderly way, I am also hopeful that the parole authority will continue to be exercised, judiciously and without discrimination, in behalf of a reasonable number of people who are seeking to build a new life in a new land.

Many thanks for your consideration, and I look forward to hearing from you soon.

Sincerely,



Edward M. Kennedy